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UNITED STATES DEPARTMENT OF JUSTICE
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TRACY HOPE DAVIS

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

In re:

SCHULTE PROPERTIES LLC,

Debtor.

Case No.: BK-S-18-12734-MKN
Chapter 11

Date: No Date Set
Time: No Time Set
Location: Foley Courtroom 2

[Hearing Date/Time on Financing Motion
[ECF No. 138] set for January 2, 2019 at
9:30 a.m.]

**MOTION OF THE UNITED STATES TRUSTEE FOR A STAY OF HEARING ON
MOTION SEEKING AN ORDER AUTHORIZING THE DEBTOR TO OBTAIN POST-
PETITION FINANCING, GRANTING SUPER-PRIORITY ADMINISTRATIVE
EXPENSE STATUS, AND MODIFYING THE AUTOMATIC STAY
IN LIGHT OF LAPSE OF APPROPRIATIONS**

To the Honorable MIKE K. NAKAGAWA, United States Bankruptcy Judge:

Tracy Hope Davis, United States Trustee for Region 17 (“United States Trustee”), by and through her undersigned counsel, hereby moves (“Stay Motion”) under Fed. R. Bankr. P. 9013, and under all other applicable statutes and rules, for a stay of hearing on *Motion Seeking An Order Authorizing the Debtor to Obtain Post-Petition Financing, Granting Super-Priority Administrative Expense Status, and Modifying the Automatic Stay* [ECF No. 138] (the “Financing Motion”) filed by Schulte Properties LLC (“Debtor”) in the above-captioned case, which is set for hearing before this Court on January 2, 2019 at 9:30 a.m., and to which the United States Trustee has objected. [See ECF No. 144].

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2 1. At the end of the day on December 21, 2018, the appropriations act that had been
3 funding the Department of Justice, including the United States Trustee Program, expired and
4 appropriations to the Department lapsed. The Department does not know when funding will be
5 restored by Congress.
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7 2. Absent an appropriation, Department of Justice attorneys and employees,
8 including the United States Trustee and her staff, are prohibited from working, even on a
9 voluntary basis, except in very limited circumstances, including “emergencies involving the
10 safety of human life or the protection of property.” 31 U.S.C. § 1342.
11

12 3. Undersigned counsel for the Department of Justice, through the United States
13 Trustee, therefore requests a stay of hearing on the Financing Motion until Congress has restored
14 appropriations to the Department.

15 4. If this Stay Motion for a stay is granted, undersigned counsel will notify the Court
16 as soon as Congress has appropriated funds for the Department, including the United States
17 Trustee Program, or enacted another continuing resolution. The United States Trustee requests
18 that, at that point, all current deadlines for the parties be extended commensurate with the
19 duration of the lapse in appropriations.
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21 5. The undersigned counsel for the United States Trustee spoke with Debtor’s
22 counsel, Matthew L. Johnson, Esq., on December 27, 2018, and he stated that the Debtor does
23 not object to the relief sought in this Stay Motion, but only if the Financing Motion is heard no
24 later than Tuesday, January 29, 2019.
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2 Therefore, although we greatly regret any disruption caused to the Court and the other
3 litigants, the United States Trustee hereby moves for a stay of hearing on the Financing Motion
4 until Department of Justice attorneys are permitted to resume their usual civil litigation
5 functions.
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8 Dated: December 28, 2018

TRACY HOPE DAVIS
United States Trustee, Region 17

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10 By: /s/ Edward M. McDonald Jr.
11 Edward M. McDonald Jr.
12 Trial Attorney
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